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H.B. 208, Modification of Exemption from Nonresident Tuition

Sponsored by Representative Richard A. Greenwood

The ACLU of Utah opposes this bill that modifies a progressive law passed in 2002 allowing students residing in Utah who may not have documents to attend state universities and colleges by paying in state tuition. H.B. 2008 would require these students to sign a waiver that they will not work without documents in the United States. If they do they will lose their eligibility for in state tuition.

The ACLU of Utah's opposition to this bill is as:

- 1. UNNECESSARY:** Federal law already establishes a comprehensive system to regulate the employment of individuals in the United States, including a mandatory attestation that they are authorized to work. See federal I-9 form: <http://www.uscis.gov/files/form/I-9.pdf>. To the extent this bill seeks to duplicate federal work verification requirements, it is unnecessary.
- 2. PREEMPTION:** Moreover, to the extent that this bill would permit or require the state to investigate work history and enforce federal work authorization requirements, it raises serious concerns about conflict with federal enforcement powers and authority.
- 3. POLICY:** As a policy matter, Utah has provided eligibility for in-state tuition to students in the state who meet certain academic requirements, regardless of immigration status, precisely because these high-achieving undocumented students who might qualify for in-state tuition rates often come from impoverished backgrounds and have beaten the odds. They generally could not otherwise attend college or university but for the in state tuition rates. These young people, who were brought to the United States as children through no fault of their own, may not even know that they are without lawful immigration status. This bill seems to contradict the intention of providing these young adults with an opportunity to pursue higher education and contribute to society by creating an additional and unnecessary hurdle for them to meet the requirements of the state law.